IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1083 OF 2006

Smt. Kunda Kishore Pednekar ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. J.S. Kini for the applicant.
Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 24th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant has an apprehension that she is likely to be arrested in connection with C.R. No. 117 of 2006 registered at Deccan Gymkhana Police Station for the offence punishable under section 295(A) read with other sections of the Indian Penal Code.

3. The applicant is a teacher working in Bharatiya Vidya Bhavan's Hazarimal's College since last 27 years. The prosecution case is that the applicant was one of the paper setters and it is alleged that one of the questions which was set in the said paper was derogatory to the religious sentiments of the followers of Saint Tukaram. A summons was issued to

the applicant by Deccan Gymkhana Police Station under section 160 of the Criminal Procedure Code asking her to remain present at the Deccan Gymkhana Police Station and, therefore, the present application has been filed.

4. It is submitted that the applicant is not responsible for the incorporation of the said question since she had been asked to frame other questions regarding which there was no allegation made in the complaint. However, the name of the applicant is mentioned in the complaint since she was one of the seven paper setters who were asked to set the questions for the Marathi language Question Paper. Even otherwise, on perusal of the said question which is annexed at Exhibit-A at page 8 of the application, prima facie it appears that there was no intention of hurting the religious sentiments of any person. The said essay, in fact, praises Saint Tukaram and refers to his work as that of Ravindra Tagore's work on Geetanjali. It is also said in the said essay that Saint Tukaram ought to have been awarded noble prize for his work.

5. The learned APP, on the other hand, has invited my attention to the complaint which has been filed by the

complainant who is a Builder by profession and is a member of Marathi Sevak Sangh. The learned APP submitted that it is the case of the complainant that the first three lines in the said paragraph are derogatory and are incorrect and, therefore, religious sentiments of the followers of Saint Tukaram are hurt.

6. It is not possible to accept the submissions made by the learned APP appearing on behalf of the State. It is not possible to read any particular sentence in isolation and entire paragraph has to be read as a whole. If the said paragraph is read as a whole, it cannot be said that the intention is to deliberately hurt the religious sentiments of the followers of Saint Tukaram.

7. Under the circumstances, the applicant not to be arrested in connection with the C.R. No 117 of 2006 registered with Deccan Gymkhana Police Station for the offence punishable under section 295(A) read with other sections of the Indian Penal Code.

8. Application is accordingly disposed of.

V.M. KANADE, J.